

Jason T. Holden, Esq. (I.D. #6014)
Katie R. Ranta, Esq. (I.D. #9609)
FAURE HOLDEN ATTORNEYS AT LAW, P.C.
1314 Central Avenue
P. O. Box 2466
Great Falls, MT 59403-2466
Telephone: (406) 452-6500
Facsimile: (406) 452-6503
jholden@faureholden.com
kranta@faureholden.com

Attorneys for Defendant MedPort, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION**

In Re

Case No. 14-61357

JOHN HENRY SCHNEIDER,

Adversary No.15-00015

Debtor.

JOSEPH V. WOMACK, AS CHAPTER
7 TRUSTEE OF THE ESTATE OF
JOHN HENRY SCHNEIDER,

**DEFENDANT MEDPORT, LLC'S
MOTION TO WITHDRAW
REFERENCE OF ADVERSARY
PROCEEDING**

Plaintiff,

v.

SCHNEIDER LIMITED
PARTNERSHIP; SCHNEIDER
MANAGEMENT, LLC; MEDPORT,
LLC; BSC, LLC; JOHN HENRY
SCHNEIDER; MICHELLE R.
SCHNEIDER; KATHLEEN T.
BURROWS; MICHELLE R.
SCHNEIDER, AS TRUSTEE OF THE

BRANDON SCHNEIDER BENEFIT TRUST, DATED MARCH 30, 2012; MICHELLE R. SCHNEIDER, AS TRUSTEE OF THE SHANNON SCHNEIDER BENEFIT TRUST, DATED MARCH 30, 2012; MICHELLE R. SCHNEIDER, AS TRUSTEE OF THE CAITLIN SCHNEIDER BENEFIT TRUST, DATED MARCH 30, 2012; JOHN SCHNEIDER, AS TRUSTEE OF THE JOHN SCHNEIDER REVOCABLE TRUST, DATED NOVEMBER 20, 2007; MICHELLE R. SCHNEIDER, AS TRUSTEE OF THE MICHELLE SCHNEIDER REVOCABLE TRUST, DATED NOVEMBER 20, 2007; JOHN DOES 1–10; and XYZ CORPS. 1–10;

Defendants.

Defendant, MedPort, LLC (“MedPort”), by and through its counsel of record, Faure Holden Attorneys at Law, P.C., respectfully submits this Motion to Withdraw Reference of Adversary Proceeding pursuant to 28 U.S.C. § 157, Fed. R. Bankr. P. 5011(a), and Local Bankruptcy Rule 5011-1. Pursuant to Fed. R. Bankr. P. 5001(a) and Local Bankruptcy Rule 5011-1, this motion must be submitted to and heard by the District Court.

The Bankruptcy Court lacks authority to enter final judgment on the claims against MedPort. MedPort is also entitled to a jury trial on the claims against it, and

the Bankruptcy Court is not authorized to conduct a jury trial absent MedPort's consent, which it has not and will not give. Therefore, cause exists to withdraw the reference of this adversary proceeding.

Pursuant to Local Rule 7.1(c)(1), MedPort's counsel contacted Mr. Trent Gardner, counsel for the Trustee, and he opposes this motion. MedPort's counsel contacted Mr. Harold V. Dye, counsel for John Henry Schneider, John Schneider, as Trustee of the John Schneider Revocable Trust, and BSC, LLC, and he does not oppose this motion. MedPort's counsel contacted Mr. Mark D. Parker, counsel for Michelle R. Schneider, Individually, and as Trustee for the Brandon Schneider Benefit Trust, as Trustee of the Shannon Schneider Benefit Trust, as Trustee of the Caitlin Schneider Benefit Trust, as Trustee of the Michelle Schneider Revocable Trust, Schneider Limited Partnership and Schneider Management, LLC, and he does not oppose this motion.

DATED this 5th day of October, 2015.

FAURE HOLDEN ATTORNEYS AT LAW, P.C.

BY: /s/ Jason T. Holden
Jason T. Holden

CERTIFICATE OF SERVICE

This is to certify that on the 5th day of October, 2015, a copy of the foregoing document was served upon the individual or individuals whose names and addresses appear below by U.S. Mail:

Trent M. Gardner
Jeffrey J. Tierney
GOETZ, BALDWIN & GEDDES, P.C.
P.O. Box 6580
Bozeman, MT 59771-6580

Joseph V. Womack
WALLER & WOMACK, P.C.
303 North Broadway, Ste. 805
Billings, Montana 59101

Harold V. Dye
Dye & Moe, P.L.L.P.
120 Hickory Street, Ste. B
Missoula, MT 59801

Attorney for John Henry Schneider, John Schneider, as Trustee of the John Schneider Revocable Trust, and BSC, LLC

Mark D. Parker
PARKER, HEITZ & COSGROVE, PLLC
P.O. Box 7212

Attorney for Michelle R. Schneider, Individually, and as Trustee for the Brandon Schneider Benefit Trust, as Trustee of the Shannon Schneider Benefit Trust, as Trustee of the Caitlin Schneider Benefit Trust, as Trustee of the Michelle Schneider Revocable Trust, Schneider Limited Partnership and Schneider Management, LLC

/s/ Jason T. Holden
Jason T. Holden